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to the community. Every Civil Court Commission dealt only with facts; but this Commission was naturally dealing with opinions, which might be easily influenced; and as such, the Government had to sit in particular watchfulness over the proceedings of this Commission. All that he wanted was that individual freedom must not be fettered in any way and that the general community should not be bound by compulsory legislation for the sake of a few go-ahead enthusiasts. He said that the first question which might naturally arise was whether the Government could go into the details of the internal economy of the Christians, when it had denied them the Christian Disability Act on the ground that it would disturb the customs of the Hindus.

Dewan.—This question came in at the last Assembly. Out of deference to the views of the whole of the Christian Members and almost all the heads of their Churches, demanding an enquiry, the Commission was appointed. My impression was that the large majority demanded the enquiry.

The Member replied that that was before the High Court had established the customs by a recent decision. The Commission wanted to go against that decision. He suggested that, in his opinion, a witness should have five qualifications in order that any change advocated by him might be deemed worthy of acceptance. They were (1) property qualification, (2) intellectual qualification, (3) experience, (4) motivelessness and (5) independence. A witness should be one who could speak unrestrained by previous profession or by public expression of opinion either as Judge or as Vakil.

The Member desired that the Government should see whether the witnesses possessed these five qualifications. He was afraid that, out of 1,000 or 1,500 people examined as witnesses, there might not be more than 25 who combined all these qualifications. He also pointed out that there had been no public complaint against the decisions of the Civil Courts and that there had been no dispute about dowries. If any change at all was necessary, it must be made with the unanimous consent of witnesses possessing the above five qualifications.

Dewan's reply.—I have heard with great interest what the Member has said. I shall remember his representations and consider them when the time comes for dealing with the report of the Commission.

22. As there occurred delay and loss to the Jenmies in resorting to the Civil Courts to realise their *michavaram* and other dues as per the stipulations in the documents taken from their tenants, the

Mr. Narayanar Kadambar Namburipad (Member, Jenmi, Kottayam Division) represented that, in the matter of collecting *michavaram* and other dues from the tenants through the Courts under Regulation V of 1071, there occurred

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Government should arrange for the recovery and payment of the dues through the Revenue Department.

considerable delay and inconvenience and loss of money to the Jenmies. He said that it would be a great help to them if the same be recovered through the Revenue Department.

As the tenants in possession of *kanam* holdings assigned away their rights to others, the Jenmies were put to several disadvantages, and with a view to avoid them, the tenants should be made to obtain in writing the consent of the Jenmies before such transfers of rights were effected.

The same Member said that, prior to the passing of the Jenmi and Kudiyan Regulation, the Jenmies could redeem the lands demised on *kanam* tenure, but they were forbidden from doing so under the Regulation. On certain occasions, the tenants alienated these holdings to low caste people, and in cases where such lands were situated near Devaswoms or Illams, the Devaswoms became polluted and the Illoms had to be removed. Such a state of things caused hardship to them and the Member prayed that such transfers by the *kanam* tenants should be ordered to be made only after obtaining the written consent of the Jenmies.

Amendment of the Jenmi and Kudiyan Regulation.

Mr. Narayanar Janardanar (Member, Jenmi, Trivandrum and Padmanabhapuram Divisions) represented that, since the Royal Proclamation of 1042, the Jenmies were prevented from redeeming the lands demised by them on *kanam* tenure and that the Regulation V of 1071 had put certain restrictions on actions for ejectment. The G. O. dated the 23rd July 1911, on the report of the High Court and the Peishkars, regarding the question of amending the Regulation on the lines suggested in the representations made at the last Assembly, declining to amend the law, was a great hardship to the Jenmies, considering the difficulty they had to meet with in the collection of the *michavaram* and the *thiruppuvaram* due to them from the tenants. As regards *thiruppuvaram*, the Member said that the representation made at the last Assembly had not met with favourable consideration at the hands of the Government.

Dewan.—The matter about *thiruppuvaram* is being looked into.

The Member proceeded to state that the realization of the Jenmies' dues through the Courts was a difficult matter, for, in some cases, the amount realized would not be sufficient even to pay the Vakils' fees. The Member prayed for the following modifications in the Regulation :—

(1) Section 7 should be amended so as to empower the Jenmies to issue receipts by V. P. P. to the tenant if he did not pay up the dues in time, and to secure to them the right of eviction, if, for three successive years, the tenant became a defaulter in the payment of his dues by refusing to accept the receipts sent by V. P. P.

(2) Section 9 should be expunged from the Regulation, as also Sections 10, 12, Clause 3 of Section 21, and the last para of Section 22.

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